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**Introduced by Senator McClintock**

February 22, 2005

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An act to amend Section 21655.5 of the Vehicle Code, relating to highways.

## LEGISLATIVE COUNSEL'S DIGEST

SB 788, as introduced, McClintock. Highways.

Existing law authorizes the establishment of highway lanes for the exclusive or preferential use of high-occupancy vehicles, as prescribed.

This bill would make nonsubstantive, technical changes in that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 21655.5 of the Vehicle Code is  
2     amended to read:  
3     21655.5. (a) The Department of Transportation and local  
4     authorities, with respect to highways under their respective  
5     jurisdictions, may authorize or permit exclusive or preferential  
6     use of highway lanes for high-occupancy vehicles. Prior to  
7     establishing the lanes, competent engineering estimates shall be  
8     made of the effect of the lanes on safety, congestion, and  
9     highway capacity.  
10    (b) (1) The Department of Transportation and local  
11    authorities, with respect to highways under their respective  
12    jurisdictions, shall place and maintain, or cause to be placed and  
13    maintained, signs and other official traffic control devices to

1 designate the exclusive or preferential lanes, to advise motorists  
2 of the applicable vehicle occupancy levels, and, except where  
3 ramp metering and bypass lanes are regulated with the activation  
4 of traffic signals, to advise motorists of the hours of  
5 high-occupancy vehicle usage. ~~No~~

6 (2) A person shall *not* drive a vehicle upon those lanes except  
7 in conformity with the instructions imparted by the official traffic  
8 control devices. A motorcycle, a mass transit vehicle, or a  
9 paratransit vehicle that is clearly and identifiably marked on all  
10 sides of the vehicle with the name of the paratransit provider may  
11 be operated upon those exclusive or preferential use lanes unless  
12 specifically prohibited by a traffic control device.

13 (c) When responding to an existing emergency or breakdown  
14 in which a mass transit vehicle is blocking an exclusive or  
15 preferential use lane, a clearly marked mass transit vehicle, mass  
16 transit supervisor's vehicle, or mass transit maintenance vehicle  
17 that is responding to the emergency or breakdown may be  
18 operated in the segment of the exclusive or preferential use lane  
19 being blocked by the mass transit vehicle, regardless of the  
20 number of persons in the vehicle responding to the emergency or  
21 breakdown, if both vehicles are owned or operated by the same  
22 agency, and that agency provides public mass transit services.

23 (d) For purposes of this section, a "paratransit vehicle" is  
24 defined in Section 462.

25 (e) For purposes of this section, a "mass transit vehicle" means  
26 a transit bus regularly used to transport paying passengers in  
27 mass transit service.

28 (f) It is the intent of the Legislature, in amending this section,  
29 to stimulate and encourage the development of ways and means  
30 of relieving traffic congestion on California highways and, at the  
31 same time, to encourage individual citizens to pool their  
32 vehicular resources and thereby conserve fuel and lessen  
33 emission of air pollutants.

34 (g) The provisions of this section regarding mass transit  
35 vehicles and paratransit vehicles shall only apply if the Director  
36 of Transportation determines that the application will not subject  
37 the state to a reduction in the amount of federal aid for highways.